

STATE OF MICHIGAN  
COURT OF APPEALS

UNPUBLISHED

July 13, 2010

In the Matter of D. C. SCOTT and C. D.  
BOURAGE, Minors.

No. 295639  
Wayne Circuit Court  
Family Division  
LC No. 92-301279-NA

Before: O'CONNELL, P.J., and METER and OWENS, JJ.

PER CURIAM.

Respondent L. D. Scott appeals as of right from the order terminating her parental rights to her minor children under MCL 712A.19b(3)(c), (g), and (j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Contrary to respondent's assertion on appeal, the sufficiency of the court's factual findings in a termination of parental rights order is governed by MCR 3.977, not MCR 2.517. The court is required to "state on the record or in writing its findings of fact and conclusions of law. Brief, definite, and pertinent findings and conclusions on contested matters are sufficient." MCR 3.977(H)(1). Here, the referee made factual findings and conclusions of law, and referenced the statutory bases for termination in its bench opinion and in its written report and recommendation. The findings were brief, definite, and pertinent; they demonstrated that the court was aware of the issues and correctly applied the law. In view of the record presented on appeal, no further factual findings were necessary to facilitate appellate review.

Respondent challenges the sufficiency of the evidence in support of the court's order terminating her parental rights to the children and whether termination was in the best interest of the children. We review for clear error the trial court's findings that a statutory ground for termination has been established and that termination is in the best interest of the children. MCR 3.977(J); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005). A finding is clearly erroneous if, "although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

The conditions that led to adjudication included neglect and abuse that were, in part, the result of deficient parenting skills. Part of respondent's treatment plan required her to participate in and benefit from parenting classes, obtain legal income, maintain appropriate housing, and participate in therapy. At the termination hearing, respondent was not in compliance with her

treatment plan. Although she participated in intensive parenting classes and had just begun individual therapy, at no time was she able to demonstrate that she had benefited from these services. During visitations she continued to yell at the children and belittle them, and she continued to blame her son for the court's involvement. Her inability to secure legal employment and adequate housing for her children demonstrated that she had failed to provide proper care and custody. Respondent's psychiatric evaluation, considered in light of her extensive history with Children's Protective Services, supports the conclusion that there is a reasonable likelihood that the children would be harmed if returned to her care. The trial court did not clearly err in finding that MCL 712A.19b(3)(c), (g), and (j) had been established by clear and convincing evidence.

Respondent also claims that no serious attempt was made to show that termination was in the best interests of the children. The record does not support her claim. Rather, the evidence presented established that respondent's son had improved greatly in his foster care placement and preferred to stay in his current home. In addition, the evidence established that the son was severely traumatized by his past experiences with his mother and now suffered from posttraumatic stress disorder. He had no desire to return to her home, and his therapist indicated that there was a risk of relapse if he returned and emphasized the progress he had made since acquiring the support, structure, medication, and therapy that he needed. It was not improper for the court to consider the children's progress while in the care of others when evaluating their best interests. *In re Foster*, 285 Mich App 630, 634-635; 776 NW2d 415 (2009). The trial court did not clearly err in finding that termination of respondent's parental rights would be in the best interests of the minor children.

Affirmed.

/s/ Peter D. O'Connell

/s/ Patrick M. Meter

/s/ Donald S. Owens